

MONDAY, NOVEMBER 17, 2008

The Pender County Board of Commissioners met in regular session on Monday, November 17, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

MEMBERS PRESENT: Chairman David Williams, presiding; Vice Chairman Jimmy Tate and Commissioners Norwood Blanchard, George Brown and F.D. Rivenbark.

MEMBERS ABSENT: None.

OTHERS PRESENT: Rick Benton, County Manager and Clerk to the Board; Paul Parker, Assistant County Manager; Trey Thurman, County Attorney; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

CALL TO ORDER

Chairman Williams called the meeting to order at 4:00 p.m. and thanked and welcomed all to the meeting.

INVOCATION

Commissioner Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Chairman Williams led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Recognition of Board of Elections Director Dennis Boyles, his Staff and the Board of Elections for an Exemplary Job During Early Voting and the General Election.**

Chairman Williams said he wanted to public recognize Mr. Boyles, his staff and the Board of Elections for doing an outstanding job during the Early Voting and General Election and said he had received not one complaint from citizens from Early Voting through the General Election. Mr. Boyles thanked the Board.

2. **Recognition and Congratulations to Ms. M. Joyce Swicegood, Register of Deeds, for Twenty Years of Service to Pender County Citizens.**

Chairman Williams read a plaque commending Ms. Swicegood for dedicated service to Pender County from December 5, 1988 to November 28, 2008, and presented the plaque to Ms. Swicegood, commemorating her retirement. Ms. Swicegood thanked the Board.

CONSENT AGENDA

Chairman Williams presented the four items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Rivenbark made a motion to approve the Consent Agenda as presented, Mr. Tate seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

3. Approval of Minutes for the Regular Meeting of November 3, 2008.
4. Resolution Approving the Payment of Membership Dues: The School of Government: \$5,291.
5. Resolution Authorizing a Purchase Order to S&ME for Geotechnical Borings in the U.S.421 Industrial Park in the Amount of \$7,330.
6. Resolution Approving a Change Order to Southeast Lasergrading for Additional Work Associated with Fine Grading Athletic Fields at Hampstead Kiwanis Park: \$8,400.

DISCUSSIONS

7. **Fiscal Year 08/09 Financial Update.**

Mr. Benton said Chairman Williams had previously requested an update on the County's financial situation in light of recent economic events and said the FY 07-08 audit report would be presented to the Board at the meeting in December. Mr. Benton delivered a Power Point presentation which included: Overall Financial Picture – the overall financial condition of the County is positive; Fund Balance – the Fund Balance increased

from 11.10% in 2006 to 31.71% in 2007, and to 36.41% in 2008; FY 08-09 Budget Issues – growth and development activity is down, concern for the overall economy, and Article 39 and 40 sales taxes and ad valorem taxes may be less than what was projected; FY 08-09 Budget-Sales Tax Revenue – the FY 08-09 budget General Fund sales tax revenue was actually less than the actual revenue for the prior year (he commended Finance Officer for this very conservative approach at budget time), and we’re planning for as much as a 5% reduction; FY 08-09 Budget-Ad Valorem Revenue – tax base growth has slowed over the past three years, and ad valorem revenues are anticipated to be reduced by \$754,523; Total General Fund Revenue Reductions – the total projected revenue reduction is \$1,439,390; FY 08-09 Budget Corresponding General Fund Expenditure Reductions – the total projected General Fund revenue reduction is \$1,439,390; and FY 08-09 Budget – we plan to monitor our financial situation monthly, a Reduction in force is authorized under the County’s Personnel Policy but that would be a last option and Department Managers and their staff have proven over the years how financially prudent they operate. Mr. Benton thanked all Department Heads for their input. A complete copy of the update is attached to these minutes and incorporated herein by reference.

8. Discussion Regarding Board Agenda Policy.

Mr. Brown explained that a few months ago, the Board voted on a temporary policy to not vote on items that are not listed on the agenda. He said that placing items on the agenda before the meeting is a good way for people in the County to see their Board is transparent in what they do; that it is a trust and integrity issue; that it lets people know what the Board is doing before the meeting; and that he wants this voted on at the next meeting. Mr. Rivenbark said it is parliamentary procedure that the minority has the right to be heard, but the majority has the right to rule, and that nothing gives one person the right to stop a meeting. Mr. Brown said anything can be discussed at any time. Mr. Williams said that when this was done for a trial period, it must have worked because some of them, even including him, completely forgot about the policy. Mr. Rivenbark said that over the years, Managers came in with additional items typed out, sometimes as many as five. Mr. Brown said he doesn’t see this as a disadvantage. Mr. Blanchard said he is waiting to see if this is what the majority of the people want. Mr. Tate said he’s deferring to the Manager and Mr. Benton said it’s been his experience that boards adopt the agenda at the beginning of a meeting and then they can add or take off any item. Mr. Rivenbark said other boards and committees he serves on vote at the beginning of the meeting. Mr. Williams said in his six years he’s served as commissioner, he’s never seen an emergency item added on that wasn’t voted on unanimously. Mr. Brown said that a lot of controversial items weren’t put on the agenda and he’s trying to eliminate that, and that this Board has a history of bringing in controversial items that are not on the agenda. Mr. Richard Catley said he agrees with Mr. Brown and that the public has a right to know what’s on the agenda. Mr. Rivenbark noted he was quoting from the publication *Robert’s Rules of Order* and Mr. Williams said we don’t have to follow *Roberts Rules* to the “T.” Mr. Brown said when he went to Commissioner School they were amazed to find out this board would even vote on something that’s not on the agenda. Mr. Tate asked the Manager to look into letting the public know before they vote on an item – he said if it’s on the agenda, then folks can call them. Mr. Rivenbark asked about items being on the agenda before and they came back at a later meeting to vote on them. Mr. Thurman explained that they were probably ordinances – he said if an ordinance is not passed unanimously it has to come back to the Board a second time but it doesn’t have to have a unanimous vote the second time. Mr. Williams reiterated that the trial period worked and said we should move on. Jimbo Robbins of Penderlea asked if this action will also do away with Executive Session. He said that the Board goes into closed session for hours and comes out announcing they did not make any decisions; that the Board should be open; and if they need to bicker, they should do so in open session. Mr. Brown and Mr. Williams agreed to have this put on the next agenda to be voted on.

9. Discussion Regarding Board Censure.

Mr. Brown said the actions of some of the Commissioners have been embarrassing and continue to be embarrassing; that they show juvenile behavior; that it all stems from party politics and his actions are not political; and that this Board is perceived as “a joke.” Mr. Brown said he is referring to Mr. Blanchard providing a statement to the County Manager to give to an employee to read stating that he had lied about something Mr. Blanchard had done. He said Mr. Blanchard promised to drop the issue if the statement was read and that was blatant intimidation; and said Mr. Blanchard boastfully admitted he coerced Mr. Parker into reading the statement. Mr. Williams said he agrees with Mr. Brown and this should be listed on the next

agenda. Mr. Tate noted a similar case in Duplin County with dissension between the Board of Commissioners and the School Board. He said this Board can't get along together and asked what we can do to work together. Mr. Tate asked how about if Mr. Blanchard apologizes and we move on. Mr. Blanchard responded he's been trying to move on for three months. Mr. Brown said he's prepared to make a motion tonight to censure Mr. Blanchard, but if Mr. Blanchard apologizes, he's willing to drop it and move on. Mr. Tate said we all should, if we feel we've offended anyone, apologize and move on. There was no comment from Mr. Blanchard so it was the consensus of some members to put the item on the agenda for the next meeting.

10. **ITEMS FROM THE COUNTY MANAGER/COUNTY ATTORNEY/COMMISSIONERS**

Mr. Blanchard asked the County Manager about getting the ice machine in the break room in building 805 repaired for employees.

Mr. Blanchard was also concerned about property owners not being able to come and camp out overnight at the river on their own property. Mr. Davenport explained that there are some strict regulations and building codes that will prevent permanent set up of these trailers. He said if there are any violations, a week-end is not long enough time for the Code Official to investigate. He said they are concerned about parking campers long-term in the floodway and this could potentially affect the County's flood insurance. Former Commissioner Steve Holland said it wasn't the County's ordinance that prohibited people from parking their trailers at the river. He said the FEDS came in and prohibited it; if the law was broken they could cancel everybody's insurance. Mr. Brown asked about parking just for the week-end and Mr. Davenport said it is sort of a "no harm, no foul" situation. Mr. Holland said you are only allowed to have a camper on a designated campground or in your yard. Ms. Jaki Pace, Senior Permitting Tech and Certified flood Plain Manager, said the Building Code supersedes the Flood Ordinance. Ms. Pace reviewed some of the effects of non-participation in the National Flood Insurance Program, which included: the National Flood Insurance program (NFIP) is a voluntary program; a community has the right to choose whether or not to participate in the NFIP and regulate development within flood-prone areas designated by FEMA; the Federal Government will not support development in these hazardous areas through Federal programs if a community chooses not to participate; Federal law imposes certain restrictions on Federal or federally-assisted financing within the flood hazard areas of non-participating communities; State restrictions on hazard mitigation grants and disaster assistance also apply; and if the community permits development to take place in the floodplain that aggravates the flood hazard, the community will be required to remedy the increased hazard to the maximum extent possible before eligibility can be restored. Mr. Blanchard said we need to make ourselves more "user friendly." He said if someone owns a lot at the river, we need to make some way to accommodate them if they want to come and spend a week-end at the river. Mr. Thurman said part of the appeal was people wanted to take their trailer to the river and leave it.

Mr. Williams commended Mr. Tate on the Columbia/Union water bond referendum and said even though it didn't pass, Mr. Tate really worked hard on it. Mr. Tate asked the County Attorney if there are other legal ways to proceed with building a water system in this area. Mr. Thurman said he had consulted with Bond Counsel and was told we can't use the current bond for other districts; that we can have another bond vote; that we can dissolve the Columbia/Union District and redraw the lines; or we can create another district. He said if there's an area people really want water, there are several options, but it's up to the Board to choose which option they'd like to pursue. Mr. Williams said he doesn't think all is lost. Mr. Tate suggested putting this on the next agenda and said he'll see what his constituents want to do. Mr. Tate said he would also like to pursue at the next meeting, options for a payment plan to sign up for county water. He said some people that really want county water can't afford it. Mr. Rivenbark said he's gotten calls too and he agrees with Mr. Tate about a payment plan. Mr. Brown added that folks in his district are struggling. Mr. Williams said we can't just write off the fees because the system is paid for by the uses and added that people with leaks do have payment plans.

Mr. Williams congratulated the Topsail High School Soccer Team for winning the 1A State Championship and the Pender High School Volleyball Team for being runner up in the 1A State Championship.

Mr. Rivenbark urged all the Commissioners to attend the Commissioner School being held in January.

PUBLIC COMMENT

Jimbo Robbins said that with reference to the water bond issue, there is a pre-existing line in Penderlea that goes to Holt Hosiery, and asked if we could use it. Mr. Thurman said that when that line was put in, there was no Columbia/Union Water District. He said the County got a grant to extend that line to Rocky Point/Topsail Water & Sewer District and we can't use bonds from another district for this district.

Mr. Robbins asked what the action of a censure would mean and would it remove someone from the Board. Mr. Thurman said "no," it just expresses the sentiments of the Board at their discretion. He said it doesn't affect a member's service and there are no legal ramifications.

Ms. Sue LaRusso of Hampstead asked Mr. Rivenbark about his comments concerning putting items on the agenda and asked what constitutes an emergency. Mr. Williams said an emergency would be a hurricane or grant application deadline or something like that. Mr. Rivenbark gave an example of the Southeastern Mental Health resolution that was presented at a previous meeting, which wasn't a "true" emergency, but needed immediate attention.

Mr. Davenport said next Thursday will be the last day for offices at Transfer Station Road and December 1st will be the first day of service in the new Annex. Mr. Williams thanked each Board member and staff for making this move possible.

A gentleman thanked Mr. Davenport for meeting with him last week and asked if the Board has a stand on the Titan Plant. Mr. Williams said "no."

CLOSED SESSION

At 5:40 p.m. Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (5) to establish, or instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. Mr. Brown seconded the motion and the Board unanimously approved going into Closed Session. A break was taken and the Board then went into closed session. The Board came out of closed session at 5:50 p.m. Mr. Williams announced that the County is close to acquiring land at the end of Lewis Road for public access to the Intracoastal Waterway.

PUBLIC HEARINGS: RESOLUTIONS/ZONING AMENDMENT/TEXT AMENDMENT/SPECIAL USE PERMIT REQUESTS/SPECIAL USE PERMIT AMENDMENT

- 11. Public Hearing & Zoning Map Amendment: Martin Marietta Corp., Applicant: Request to Rezone 379 Acres from RA, Rural Agricultural District, to I-2, Industrial District (Heavy), Located 2 Miles East of I-40, Approximately 3 Miles North of the Pender/New Hanover County Line, Rocky Point.**

Planner Kyle Breuer explained that public notice had been given to the media and the applicant had held a meeting with the adjacent property owners; that the property is bounded to the north and east by RA, Rural Agricultural District, to the south is zoned FA, Flood Hazard Area, and the western border is currently zoned I-2, Industrial District (Heavy) with portions of I-1, Industrial (Light) along the I-40 Corridor; that there is currently a mining operation in effect on the remainder of the 2,529.87 acres on the north and west of the property; that the NE Cape Fear River is about 2,000 feet east and southeast of the proposed rezoning; that the 2005 Land Use Plan classifies the property as Rural Areas with limited Conservation I & II areas and any development of the property will take these designated conservation areas into consideration; that the request is consistent with the 2005 Land Use Plan; that the request complies with the criteria set forth in Section 5.3 of the Zoning Ordinance; and that staff recommends that the request be approved. The public hearing opened at 7:05 p.m. Attorney R.V. Biberstein spoke on behalf of the applicant. Mr. Biberstein said this is preliminary to seeking a Special Use Permit; that it has nothing to do with Titan Cement Company; and that Paxton Badham and Doug Pope of Martin Marietta are here to answer any questions. Ms. Teresa James of Castle Hayne was concerned that the land is close to the Cape Fear River and spoke about Titan Cement Company. Mr. Williams

said this is Pender County and we're not concerned about what goes on in New Hanover County. Ms. James asked if this is I-2, can it revert back to RA after they finish mining. Mr. Pope said the land won't revert back to RA, but a reclamation plan has to be followed after they are through with the mining process. Ms. Marge Ciardella of PenderWatch spoke in opposition of the project. She said she spoke against it at the Planning Board meeting; that they are concerned about continuous mining; that it is too close to the river and asked the Board to be sensitive to the river; and that someone near Black River told her today that his well is contaminated. Mr. Brown asked if she would feel better about the project if they had a 200' buffer and Ms. Ciardella said yes. Chris Jorgenson asked how deep do they mine and Mr. Pope said 45 feet and said the digging part would be part of the special use permit application. The public hearing closed at 7:19 p.m. Mr. Brown made a motion to approve the Zoning Map Amendment, Mr. Tate seconded the motion and it was unanimously approved.

12. Public Hearing & Text Amendment: Penny L. Olson, Applicant: Request to Amend the Current Pender County Zoning Ordinance, Section 8.9 Table of Permitted Uses, to Allow Wholesaling in the RA, Rural Agricultural District.

Planner Ashley Frank explained that the proposal consists of amending the current Zoning Ordinance to allow wholesaling in the RA, Rural Agricultural District, permitted by right; that the Pender County Zoning Ordinance currently does not permit Wholesaling by right or by Special Use Permit in the RA District; that if approved this will apply to all county-wide RA; that this is a Zoning Text Amendment and is different from a Map Amendment; and that staff is recommending amending the request to add language requiring the use of Wholesaling to apply for a Special Use permit, as opposed to Wholesaling by right in the RA District. The public hearing opened at 7:20 p.m. Mr. Williams clarified with Ms. Frank that we are not talking about a specific location here and Ms. Frank reiterated that if approved it will apply county-wide. Ms. Frank said if it's approved, every person that wants to do wholesaling would still have to come in and get a special use permit. Mr. Thurman said if the special use permit is turned down, the Board would have to show one of seven criteria why it is turned down. Mr. Rivenbark asked if the inventory is in quantity, would they have to pay tax on it. Mr. Olson said his inventory will be shipped directly from the wholesaler to the distributor. Mr. Rivenbark asked Mr. Olson to explain what he wants to do. Mr. Olson said that moving his business to his own property was a big reason for moving to Pender County; that he would occasionally store small orders of malt beverages in a refrigerator at the rear of his property; that there would be no traffic coming to his place; that no sales will be made there; and that he has a Federal Wholesale basic permit and a NC malt beverage wholesale permit. Ms. Ciardella spoke against the request saying it would open up a lot of problems, and asked the board to deny it. The public hearing closed at 7:37 p.m. Mr. Brown made a motion to approve the Text Amendment but it died for lack of a second. Ms. Frank said the Board can approve the amendment as Mr. Olson requested or approve it as Planning Staff recommended. Mr. Williams said this is not about a particular location and said he wants it put back on the agenda. Mr. Brown made a motion to table the item until the second meeting in January and this motion also died for lack of a second. No further action was taken.

13. Public Hearing & Special Use Permit: David Greer, Applicant & Owner: Request to Construct and Operate a Dry Stack Boat Storage Facility and to Expand an Existing Marina, Located at 599 Lewis Road, off Sloop Point Loop Road, Hampstead.

Mr. Thurman swore in the witnesses. Planner Ken Vafier explained that a Special Use Permit (SUP) was granted to the applicant on April 16, 2007 for the construction and operation of a dry boat storage facility and marina expansion on the property, but the granted SUP has expired and become void because a final zoning permit was not issued within 12 months of granting the SUP; that the applicant is only re-applying for the SUP and nothing has changed since the original application; that the project will consist of a 200 unit dry boat storage facility on the property and the addition of 17 boat slips to the existing 18 slip marina adjacent to the Intracoastal Waterway; that the applicant is proposing a 30% ratio of parking spaces to dry units/wet slips, resulting in 70 17' x 10' traditional parking spaces; and that in addition, 100 40' x 17' truck and trailer parking spaces are proposed. The public hearing opened at 7:37 p.m. Mr. Rivenbark asked Mr. Vafier to comment on the 30% ratio parking spaces and asked where the 30% figure came from. Roy Mathews, speaking on behalf of the applicant, said there is a procedure on marinas that dictate the number of parking space required. Mr. Thurman asked Mr. Mathews if the information submitted in the application is true to the best of his knowledge and Mr. Mathews responded affirmatively. Ms. Ciardella said that with respect to Condition # 12, more specifics need to

be put in. She was concerned that instead of 12c. reading "shall incorporate pervious surfaces, as is feasible ", it should read "all surfaces should be pervious to eliminate **any** run off." Mr. Brown asked if there is any way to change the language to say pervious surfaces. Mr. Rivenbark asked how much of an imposition would it be to change the surfaces to pervious and Mr. Mathews said this will be covered in the Master Plan. Mr. Thurman said Planning Staff can't regulate any storm water runoff – it is controlled by DENR, and that there will be some impervious surfaces. The public hearing closed at 7:55 p.m. Mr. Blanchard made a motion to approve the Special Use Permit as submitted, Mr. Brown seconded the motion and it was unanimously approved.

14. Public Hearing & Special Use Permit Amendment: John E. Bradshaw, Applicant: Request to Amend a Current Special Use Permit (03-11-17-28) for the Operation of Boat Sales & Repair, Located at 19240 US Hwy 17 South and East of the Intersection of Sloop Point Loop Road and US Hwy 17, Hampstead.

Mr. Thurman swore in the witnesses. Mr. Breuer explained that the applicant is proposing to amend the current Special Use Permit for this property to operate a boat sales and repair lot; that a special use permit was issued 11/17/2003 to allow for a used car sales lot; that at the time the property was zoned B-2, Business District (Highway) which required a special use permit; that through a county-wide zoning change, the property was changed from B-2 to PD, Planned Development District; that the uses of boat dealers and boat repair are both permitted in the PD District, however, as a condition of the original special use permit, to allow for boat sales and repair, an amendment must be granted; and that the applicant is proposing no significant changes to the property. The public hearing opened at 7:55 p.m. Mr. Williams asked that in the event of a hurricane, will we be down there issuing citations to move the boats and Mr. Thurman said they would still have 30 days before violations kick in. Burt Millette of Hampstead spoke in opposition of the project. He gave a history of the property noting what projects had been on it before and noted the owner had been cited several times for violations. Mr. Williams said the property owner wasn't the one selling cars at the property. Mr. Millette said the owner had operated a business next to Ace Hardware which was one of the worst looking sites in the community, and said if the Board approves this, they need to impose the stiffest buffers and they need to give the Zoning Officer more leeway to impose fines. The public hearing closed at 8:10 p.m. Mr. Thurman noted the applicant is not here to present the evidence and that Planning staff can't affirm the evidence presented. Mr. Rivenbark made a motion to table the item to the January 20, 2009 meeting, Mr. Blanchard seconded the motion and it was unanimously approved. (At the request of the applicant, the Board later agreed to hear this item at the December 1st meeting).

15. Public Hearing & Special Use Permit: Ivey Pridgen, Applicant: Request to Operate a Portable Sawmill Service, Located at 409 Horse Branch Road, Burgaw.

The public hearing opened at 8:10 p.m. Mr. Vafier explained that most of the byproduct of the sawmill will be for the applicant's personal use, but because some of it will be sold, it has been determined that this use constitutes manufacturing of lumber and wood products as listed in the Pender County Zoning Ordinance and thus necessitates approval of a special use permit; that the hours of operation will vary as the operation is part-time; that the applicant intends to increase the hours of operation in the long-term upon retirement from his present occupation and that at that time there will be no additional construction, utility work, state or federal permits or traffic required or generated from the operation; that it is in compliance with the 2005 CAMA Land Use Plan; and that the surrounding property contains single-family residential dwellings at a very low net density. Mr. Vafier noted that the resolution states that a special use permit is being requested for the operation of a wastewater treatment plant, and that he will correct this to say a portable sawmill service. Mr. Thurman asked Mr. Pridgen if the information he presented is correct to the best of his knowledge and Mr. Pridgen responded affirmatively. Mr. Rivenbark made a motion to approve the special use permit request, Mr. Tate seconded the motion and it was unanimously approved.

16. Public Hearing & Special Use Permit: Vaughn King, Applicant: Request to Construct and Operate a Marina Consisting of Ninety Floating Boat Slips and Amenities, Located on Highway 210, 2 Miles East of the I-40 Interchange on the Northeast Cape Fear River, Rocky Point.

Ms. Frank explained that as mandated in the Coastal Area Management Act (CAMA) of 1972, this project will require a CAMA Major Permit issued by the North Carolina Department of Environment and Natural Resources

(DENR), Division of Coastal Management (DCM), along with delineation and evaluation of all wetlands from the US Army Corps of Engineers (US ACE) as prescribed in under "The Rivers and Harbor Acts" of 1890 and 1899 and the "Clean Water Act", Section 404 of 1972; that access to the proposed marina will be via a driveway cut from NC Highway 210, which will require North Carolina Department of Transportation approval, that with the large amounts of 404 Non-Coastal wetlands located on the site, access internally through the marina will be through an elevated boardwalk, approximately 1,000 feet from the parking to the actual dockage; that the boardwalk will be twelve feet in width, which would accommodate two golf carts for ingress and egress; that the proposed parking area is approximately 10,000 square feet; that a pump station for the disposal of vessel waste is proposed and would require Pender County Environmental Health Department approval prior to construction; and that the Pender County 2005 CAMA Land Use Plan classifies this area into four land use classifications: Rural Clusters, Rural Areas, Conservation I and Conservation II. The public hearing opened at 8:29 p.m. Mr. Thurman asked Mr. King if the information submitted is correct and true to the best of his knowledge and Mr. King responded affirmatively. Ms. Diane Moore, an adjoining property owner, asked what kind of buffer would be used. She said the project location is right next to her home, that she is concerned about the bath house and shower facilities, and asked exactly what the applicant is going to do. Ms. Frank said they would use a C type buffer, which consists of three different types. Mr. Tate was concerned with how close the buildings will be to Ms. Moore's house. Mr. Williams asked for clarification about the bath house and Mr. King said it would consist of a ladies and men's bathroom. Ms. Frank added that if this SUP is approved, the applicant will have to come back with more detailed information before they can complete the project. Mr. Tate asked if the applicant had met with others in the community and Mr. King said yes. Mr. Tate asked what the people's concerns are and Ms. Moore said she is concerned that anyone can come in off the streets. Mr. King said no one will be allowed to stay overnight; that there will be no camping and no fuel sales; and that they will have security internet cameras on the property. Ms. Ciardella said that Pender Watch objects to this project; that 90 boat slips is a lot for this small property; and said that having a pervious parking area should be made a part of the conditions. She asked Mr. King if he is willing to put in pervious parking and Mr. King responded affirmatively. Mr. Chris Jarvis said there are 90 boat slips and a 40 car parking lot and asked how does that match. Mr. King said this is what is required by the County. Ms. Frank added that there is one parking lot for each employee and one for each two persons using the boat slips. Robert Maul, representing Heidi Trask, was concerned about safety and health issues, the navigability of the river, how the high ground marina is going to be policed, and asked how far out the piers are going to extend. Ms. Frank said the property will have a CAMA buffer, the Army Corps of Engineers will oversee the project and the piers can't block the navigable river. The public hearing closed at 8:56 p.m. Mr. Brown made a motion to approve the Special Use Permit Request, with the condition that the parking places are made pervious, Mr. Tate seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, Mr. Tate made a motion to adjourn and the meeting adjourned at 8:59 p.m.

Respectfully Submitted,



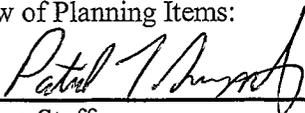
Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board

Review of Planning Items:



Planning Staff

**Board of County Commissioners
Budget-Financial Update
11/17/08**

Overall Financial Picture

- The overall financial condition of the County is positive.
- The audit for FY 07/08 will be presented at the December 1 business meeting.
- The audit report will reflect that the undesignated General Fund balance is 36.41% of the FY 08/09 General Fund Budget, an increase over last year
- The undesignated fund balance increase over FY 07/08 was 30.6% or \$4,227,467.

Board of County Commissioners
Budget-Financial Update
11/17/08

Fund Balance Growth

Year Ending	Undesignated Fund Balance	Percentage of Budget
June 30, 2006	\$12,059,528	11.10%
June 30, 2007	\$13,824,542	31.71%
June 30, 2008	\$18,052,009	36.41%

**Board of County Commissioners
Budget-Financial Update
11/17/08**

FY 08/09 Budget Issues

- Growth and development activity is down regionally, statewide and nationwide. For 2008, new development activity in Pender County will be about 50% of activity levels over recent years.
- Overall, economic indicators have fallen over the last few years for the region, state and nation.
- And we all know of the difficulties of the financial sectors which have come to light in the last 60 days, which is creating concern for our overall economy.
- As a result, we have obvious concerns that certain anticipated revenues will most likely be less than originally projected in the current budget.
- Article 39 and 40 sales taxes and ad valorem taxes are the primary General Fund revenues of concern.

**Board of County Commissioners
Budget-Financial Update
11/17/08**

FY 08/09 Budget-Sales Tax Revenue

- For FY 08/09, budgeted General Fund sales tax revenue was actually less than the actual revenue for the prior year.
- This was a very conservative approach at budget preparation time.

Actual FY 07/08 Sales Tax Revenue (Article 39 and 40)	Budgeted FY 08/09 Sales Tax Revenue	\$ Difference	% Difference
\$4,804,807	\$4,697,347	-\$107,460	-2.24%

FY 80/09 Budget-Sales Tax Revenue

- In addition, we are planning for as much as a 5% further reduction.
- This will amount to a further expected General Fund revenue reduction of \$234,867.

FY 08/09 Sales Tax Revenue Budgeted (Art. 39 and 40)	FY 08/09 Sales Tax Revenue % Reduction	FY 08/09 Sales Tax Reduction in Dollars
\$4,697,347	-5%	\$234,867

FY 08/09 Budget-Sales Tax Revenue

- Article 40, 42 and 44 sales tax revenue is earmarked for Fund 28 (Public School Debt) not the General Fund.
- A 5% reduction in these revenues amounts to \$218,091.
- A Debt Reserve Fund is established to absorb this anticipated reduction, therefore no General Fund reductions are required.

FY 08/09 Sales Tax Revenue Budgeted (Arts 40, 42 and 44)	FY 08/09 Sales Tax Revenue % Reduction	FY 08/09 Sales Tax Reduction in Dollars
\$4,361,829	-5%	\$218,091

FY 08/09 Budget-Ad Valorem Revenue

- The FY 08/09 budget projected \$29,124,595 in ad valorem revenue.
- The assessed valuation used for the budget projection was \$4,643,219,708, an increase of 3% over FY 07/08.
- The actual assessed value is \$4,708,355,246 or 1.4% more.
- The collection rate used to project ad valorem revenue was 96.5%
- Tax base growth has slowed over the past 3 years.

FY Ending June 30	Tax Rate	Assessed Value	% Increase
2007	.65	\$4,257,496,889	8.17%
2008	.65	\$4,507,735,849	5.55%
2009	.65	\$4,708,355,246	4.26%

**Board of County Commissioners
Budget-Financial Update
11/17/08**

FY 08/09 Budget-Ad Valorem Revenues

- In anticipation of lower ad valorem collections for FY 08/09, we're projecting a collection rate of 94% as opposed to 96.5%.
- As a result, ad valorem revenues are anticipated to be reduced by \$754,523.

Tax Rate	Tax Levy	Revenue @ 96.5% Rate	Revenue @ 94% Rate	Difference
.65	\$30,180,928	\$29,124,595	\$28,370,072	\$754,523

Board of County Commissioners
Budget-Financial Update
11/17/08

FY 08/09 Budget

Total General Fund Revenue Reductions

The total projected revenue reduction is \$1,439,390.

Revenue	Amount of Reduction
Sales Tax	\$234,867
Ad Valorem	\$754,523
Planning/Development Fees	\$125,000
Register of Deeds	\$125,000
Excise Tax	\$200,000
Total:	\$1,439,390

**Board of County Commissioners
Budget-Financial Update
11/17/08**

FY 08/09 Budget
Corresponding General Fund Expenditure
Reductions

- The total projected General Fund revenue reduction is \$1,439,390.
- Therefore, we have identified a corresponding expenditure reduction and adjustments as outlined in the upcoming table:

**Board of County Commissioners
Budget-Financial Update
11/17/08**

Department	Description	Budget Reduction
Parks & Recreation	Master Plan, Tree Trimming	\$55,000
Tax Collection	Part-Time Salaries	\$3,040
Tax Assessor	Various Line Items	\$2,750
Health Department	Various Line Items	\$67,142
DSS	Salaries & Capital Outlay	\$78,906
Register of Deeds	Various Line Items	\$6,050
Planning & Development	Part-Time Salaries & Various Line Items	\$23,000
Finance	Various Line Items	\$8,000
Maintenance	Replacement Generator/Sign Machine	\$50,000
CIP	Re-Roofing/HVAC/Projects	\$240,750
Library	Various Line Items	\$21,802
Tourism	Salaries, Various Line Items	\$40,246

**Board of County Commissioners
Budget-Financial Update
11/17/08**

Table Continued:

Department	Description	Budget Reduction
Pender County Schools	Capital Items	\$174,000
Cooperative Extension	Salaries	\$10,000
Contingency	Balance	\$39,537
Sheriff	Salaries	\$76,000
BOCC	Various Line Items	\$13,000
County Manager	Various Line Items	\$13,000
General	CPCC Surf City Campus	\$75,000
General	Travel/Training Freeze	\$100,000
General	Pay Study Reserves	\$325,000
General Fund Revenue	Revenue Increase	\$17,167 (+)
Total:		\$1,439,390

Board of County Commissioners
Budget-Financial Update
11/17/08

FY 08/09 Budget

- In summary-in response to likely reduced revenues due to the status of the economy, we anticipate a reduction of up to \$1,439,390 in General Fund revenues, and we have identified a corresponding amount in General Fund expenditure reductions and one revenue increase.
- The expenditure reductions do not include savings that may result from not filling position vacancies for the remainder of the year.
- As well, we did not include additional increased revenues above budget amounts we know we'll receive.
- We plan to monitor our financial situation monthly, and will have a better idea of revenue impacts after January, when property taxes are past due, and the sales tax revenue picture is more clear.

**Board of County Commissioners
Budget-Financial Update
11/17/08**

FY 08/09 Budget

- If during early 2009 we have indication that further and considerable expenditure reductions are necessary, and after all expenditure and supplemental revenue options are exhausted, the next major course of action would be to institute a Reduction in Force.
- Reduction in Force is authorized under the County's Personnel Policy based on funding shortfalls. Procedures are in place governing the process.
- This would be a last, but necessary option if required to ensure the County's financial integrity is maintained.

**Board of County Commissioners
Budget-Financial Update
11/17/08**

FY 08/09 Budget

- In a more positive light, as noted earlier, the County financial condition is very strong. We're fortunate in that respect.
- Our Department Managers and their staff have proven over the years how financially prudent they operate-and that have been very good stewards of the County's financial resources.
- They have responded to my request for expenditure reductions, and I know they will respond further as requested-and I thank them for that.
- And finally, Dave McCole and Paul Parker have put a great deal of effort coordinating and gathering the budget information-and I appreciate their special efforts.
- We'll be glad to respond to questions you may have.